

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RONALD L. HAYWARD,
Movant,

v.

Civil No. 2:19-cv-224
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson

WARDEN, GRAFTON
CORRECTIONAL INSTITUTION,
Respondent.

OPINION AND ORDER

On February 20, 2019, the Magistrate Judge issued a *Report and Recommendation* (“R&R”) recommending that Petitioner’s petition for a writ of habeas corpus be dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“the Habeas Rules”) because his claims have not been exhausted. (ECF No. 4.) Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. The R&R (ECF No. 4) is therefore, **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED without prejudice for failure to exhaust**.

Pursuant to 28 U.S.C. § 2253(c)(1)(A), the Court must also assess whether to issue a certificate of appealability. Rule 11 of the Habeas Rules provides that “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Petitioner has waived, however, the right to file an appeal by failing to file objections to the R&R. *See Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F. 2d 947, 950 (6th Cir. 1981). The Court therefore declines to issue a certificate of appealability.

IT IS SO ORDERED.

3-26-19
DATE


EDMUND A. SARGUS JR.
CHIEF UNITED STATES DISTRICT JUDGE